



August 30, 2018

**VIA ECF**

Hon. Jesse M. Furman  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *Empire Merchants, LLC v. Merinoff, et al.*, No. 16-CV-9590(JMF)**

Dear Judge Furman:

On behalf of Defendants Charles Merinoff and Gregory Baird (together, “**Defendants**”) in the above-referenced matter, we write pursuant to Section 1(E) of the Court’s Individual Practices to seek an extension of the parties’ time to object to the Court’s Order dated August 27, 2018 (the “**August 27 Order**”) (ECF 102).

The Court’s August 27 Order provides: “[i]n light of the offsetting awards, unless either objects **within one week**, Empire shall pay Defendants, **within three weeks of the date of this Opinion and Order**, \$19,332.76 (that is, the difference between \$299,122.95 and \$318,455.71).” ECF 102 at 12 (emphasis in original).<sup>1</sup> Thus, the August 27 Order shortens the parties’ time to object to 7 days from the default of 14 days to file a motion to reconsider under Local Civil Rule 6.3. Because Monday, September 3 coincides with the Labor Day holiday, the parties’ current deadline to object to the August 27 Order is Tuesday, September 4, 2018.

Due to the press of business and pre-existing engagements and intervening deadlines in other matters for Plaintiffs’ counsel, Plaintiffs respectfully that the Court extend the parties’ time to file any objections to the August 27 Order by one week, until **Tuesday, September 11, 2018**.

The requested extension is modest and would result in a total of only 15 days to file any objections to the August 27 Order (compared to the default 14 days provided under Local Civil Rule 6.3), with those 15 days including Labor Day weekend.

On Thursday, August 30, 2018, we reached out to counsel for Empire by email regarding Defendants’ request for an extension. We have not yet received a response.

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<sup>1</sup> The August 27 Order awards Plaintiff Empire Merchants LLC (“**Empire**”) \$299,122.95 in damages for breach of contract and awards Defendants a total of \$318,455.71 (\$228,630.69 in advancement and \$89,825.02 incurred as fees-on-fees in seeking advancement).

**BSF**

No previous requests have been made for an adjournment or extension of the time to object to the August 27 Order, and the parties currently have no appearances scheduled before the Court.

Respectfully submitted,

Sean F. O'Shea

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Cc: All counsel of record (via ECF)